

ZB# 06-09

**Steven Ponesse &
Dawn Mulder**

45-2-15

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Granted 3-27-06

6-09

STEVEN PONESSE & DAWN MULDER
33 CONTINENTAL DR. (AREA) 45-2-15

P.O. # 44225



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: MAY 31, 2006
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 282.38 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #06-09

NAME & ADDRESS:

**Steven Ponesse & Dawn Mulder
33 Continental Drive
New Windsor, NY 12553**

Mi
5/31/06

THANK YOU,

MYRA

L.R.05-31-06



Town of New Windsor

**555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689**

OFFICE OF THE ZONING BOARD OF APPEALS

June 27, 2006

**Steven Ponesse & Dawn Mulder
33 Continental Drive
New Windsor, NY 12553**

SUBJECT: REQUEST FOR VARIANCE #06-09

Dear Mr. Ponesse & Ms. Mulder:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

**Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD**

MLM:mlm

cc: Michael Babcock, Building Inspector

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 45-2-15

In the Matter of the Application of

STEVEN PONESSE & DAWN MARIE MULDER

**MEMORANDUM OF
DECISION GRANTING**

AREA

CASE #06-09

WHEREAS, Steven Ponesse & Dawn Marie Mulder , owner(s) of 33 Continental Drive, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an

AREA VARIANCES

10 ft. Side Yard Setback and;
14 ft. Rear Yard Setback and;
15% Developmental Coverage

INTERPRETATION

Single Family Home with two kitchens

All at 33 Continental Drive in an R-4 Zone (45-2-15)

WHEREAS, a public hearing was held on March 27, 2006 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Official Town Newspaper, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a one Family Dwelling located in a neighborhood of one Family Dwellings in an R-4 zone.

- (b) The applicant seeks to put an addition on the property for the accommodation of Applicant Ponesse's parents.
- (c) In constructing the addition, the applicant will not remove any trees or substantial vegetation.
- (d) In building the addition the applicant will not build on top of nor will it interfere with any easements or rights-of-way including, but not limited to, water, sewer and electrical easements
- (e) In building the addition the applicant will not create the ponding or collection of water or divert the flow of water drainage.
- (f) With the addition, the house will be similar in size and nature to other houses in the neighborhood.
- (g) Even with the addition, the majority of the site will be porous.
- (h) The proposed addition will be serviced by the same gas and electric meter servicing the facility.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

ENVIRONMENTAL FINDINGS:

1. The proposed action is will not result in any adverse environmental impacts.
2. The proposed action will not result in a substantial adverse change in existing air, ground or surface water quality or quantity, traffic or noise levels nor a substantial increase in solid waste.
3. The proposed action will not result in a substantial increase in potential for flooding, erosion, leeching or drainage problems.
4. The proposed action will not result in the impairment of the character or the quality of the existing community or the neighborhood.
5. The proposed use is consistent with uses in the vicinity.
6. The proposed action will not cause a major change in the use of quantity or type of energy.
7. The proposed action will not create a hazard to human health.
8. The proposed action does not conflict with the town's current plans or goals as officially approved and adopted.
9. The action will not attract a large number of people to the property.
10. There are no future actions that will be taken as a result of this action which will result in the adverse change in the environment or character of the community.
11. There are no other significant other environmental impacts associated with the proposed action.
12. The applicant has taken all steps possible to mitigate any potential for traffic conflict or other adverse effects.

13. This property is a single-family residence.

14. The applicant has living with him a member of his family which, under the Town of New Windsor Zoning Code falls within the definition of single-family

15. The fact that this premises contains two kitchens does not make it a two-family residence. Notwithstanding the existence of two kitchens, the house is a single-family residence and its status as such has not changed.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for:

AREA VARIANCES

10 ft. Side Yard Setback and;
14 ft. Rear Yard Setback and;
15% Developmental Coverage

INTERPRETATION

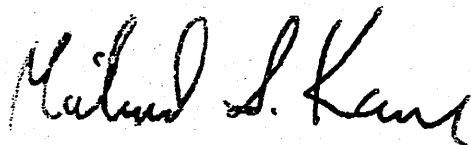
Single Family Home with two kitchens

All at 33 Continental Drive in an R-4 Zone (45-2-15) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: March 27, 2006



Chairman

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: January 25, 2006

APPLICANT: Steven Ponesse & Dawn Marie Mulder
33 Continental Drive
New Windsor, New York 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: January 20, 2006

FOR : Steven Ponesse & Dawn Marie Mulder

LOCATED AT: 33 Continental Drive

ZONE: R-4 **Sec/Blk/ Lot:** 45-2-15

DESCRIPTION OF EXISTING SITE: SINGLE FAMILY DWELLING

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 300-10 USE/BULK TABLE R-4 ZONE LINE 6 COLUMN F, REQUIRED SIDEYARD/TOTAL BOTH SIDEYARDS 20/40. PROPOSED ADDITION WILL HAVE SIDEYARD AND 41.1' TOTAL. A VARIANCE OF 12' IS REQUIRED. LINE 6 COLUMN G REQUIRED REARYARD 50', PROPOSED WILL BE 36'. A VARIANCE OF 14' IS REQUIRED. LINE 6 COLUMN L DEVELOPMENTAL COVERAGE (20%), PROPOSED 35%, VARIANCE OF 15% REQUIRED. INTERPRETATION IS ALSO REQUIRED - A TWO FAMILY DWELLING OR A SINGLE FAMILY WITH 2 KITCHENS.

Louis J. Kypheer
BUILDING INSPECTOR

	PERMITTED	PROPOSED OR AVAILABLE:	VARIANCE REQUEST:
ZONE: R-4 USE:			
MIN LOT AREA:			
MIN LOT WIDTH:			
REQ'D FRONT YD:			
REQ'D SIDE YD:	20'	8 ¹⁰	12 ¹⁰
REQ'D TOTAL SIDE TD:	40'	41.1'	N/A
REQ'D REAR YD:	50'	36'	14'
REQ'D FRONTAGE:			
MAX BLDG HT:			
FLOOR AREA RATIO:			
MIN LIVABLE AREA:			
DEV COVERAGE:	20%	35%	15%

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unchecked inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway pond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and permit.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

RECEIVED

JAN 20 2006

FOR OFFICE USE ONLY:
Building Permit # 12006-43

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Steve Ponesse & Dawn Mulder
Address 33 Continental Dr Phone # 505-6977
Mailing Address New Windsor ny 12553 Fax # _____
Name of Architect _____
Address _____ Phone _____
Name of Contractor _____

Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder

owner

If applicant is a corporation, signature of duly authorized officer.

n/a

(Name and title of corporate officer)

1. On what street is property located? On the

n

side of

Continental

(N, S, E or W)

and

feet from the intersection of _____

2. Zone or use district in which premises are situated

residential area

Is property a flood zone? Y _____ N ☒

3. Tax Map Description: Section _____

Block

"J"

Lot # 33

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy

residential

b. Intended use and occupancy

residential

5. Nature of work (check if applicable)

☐ New Bldg.

☒ Addition

☐ Alteration

☐ Repair

☐ Removal

☐ Demolition

☐ Other

6. Is this a corner lot?

no

7. Dimensions of entire new construction. Front

30'

Rear

30'

Depth

25'

Height

12'

No. of stories

1

8. If dwelling, number of dwelling units:

1

Number of dwelling units on each floor _____

Number of bedrooms

1

Baths

1

Toilets

1

Heating Plant: Gas

☒

Oil

Electricity to Air

1

Hot Water

1

If Garage, number of cars

0

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use

n/a

10. Estimated cost

Fee

\$50.00

"Cash"

PAID

ZONING BOARD

JUN 11 1968

APPLICATION FOR BUILDING PERMIT

____/____/____
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Liel & Louis Krysheer
New Windsor Town Hall
655 Union Avenue
New Windsor, New York 12553
(845) 863-4018
(845) 863-4068 FAX

Site Map Examined _____
Fire Map Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

John L. Lauer
(Signature of Applicant)

33 Centennial Dr. New Windsor
(Address of Applicant)

John Mulder-Ponessa
(Owner's Signature)

33 Centennial Drive New Windsor
(Owner's Address)

PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.

N

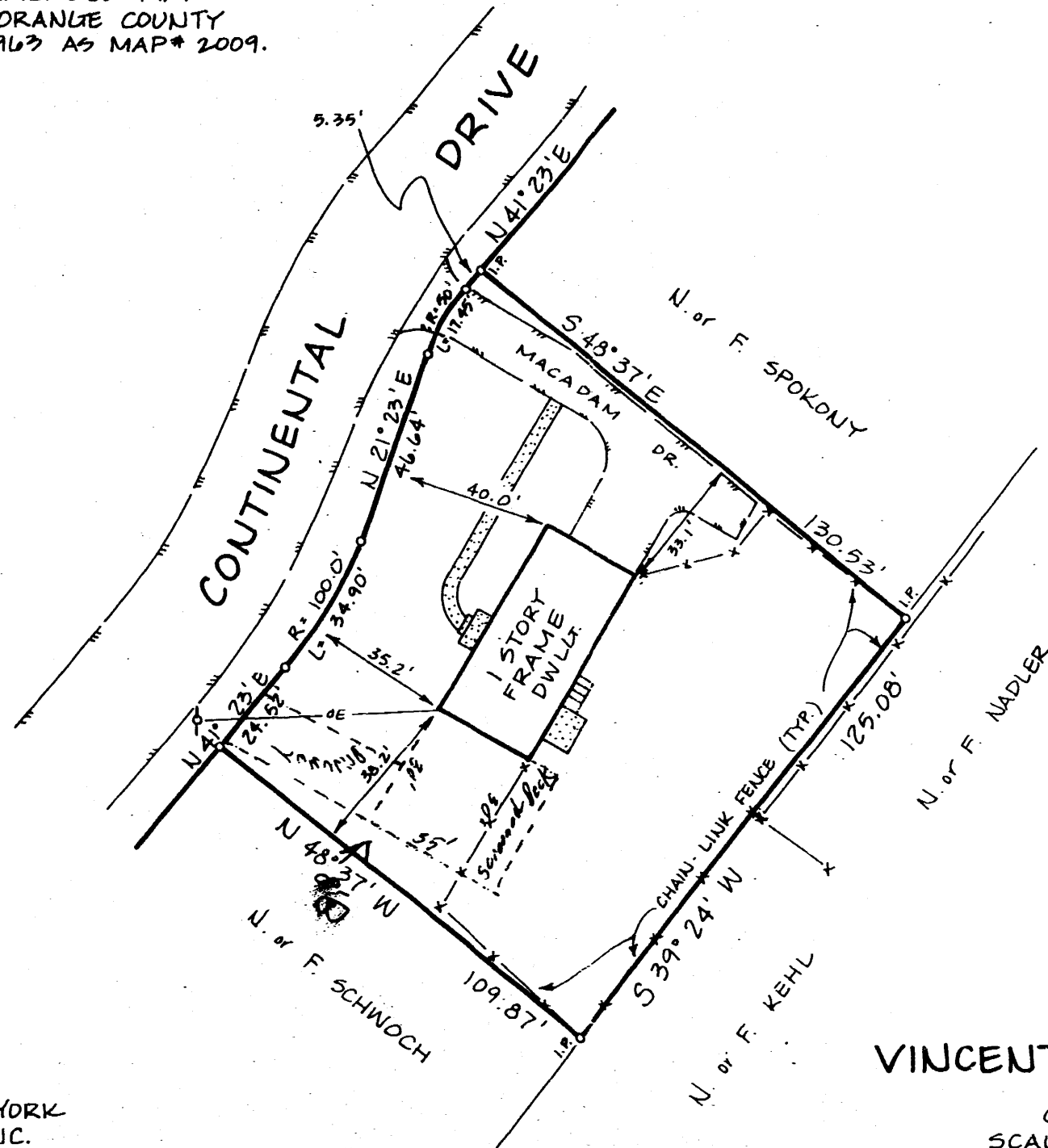
W

E

S

PLEASE ALLOW TEN TO FIFTEEN DAYS TO PROCESS
APPLICANT
YOU WILL NOT BE ALLOWED WORKING ON ANYTHING

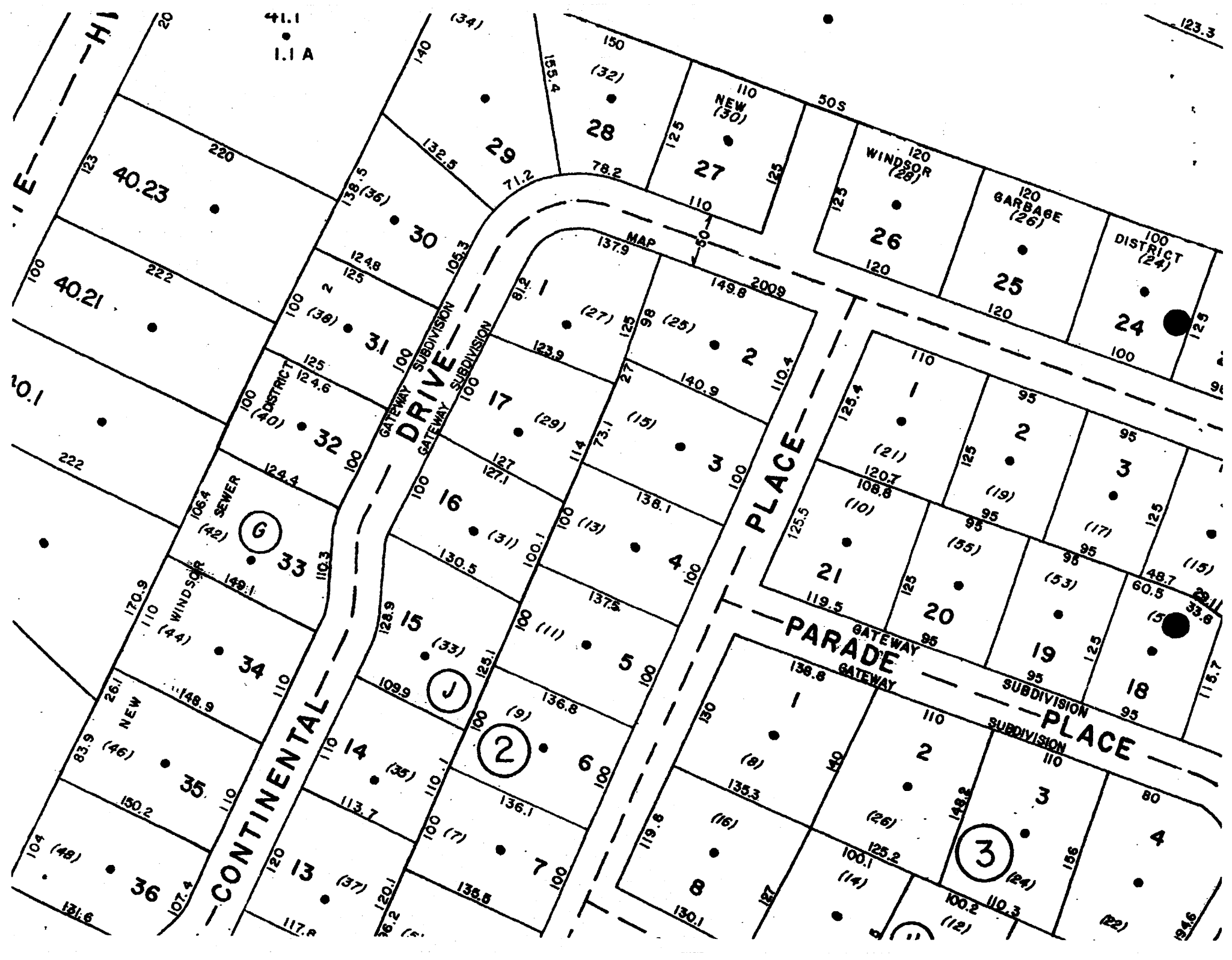
ENCE: BEING LOT # 33 BLOCK "J" AS
 J ON A MAP ENTITLED "AMENDED MAP
 ATEWAY" FILED AT THE ORANGE COUNTY
 'S OFFICE OCTOBER 15, 1963 AS MAP # 2009.



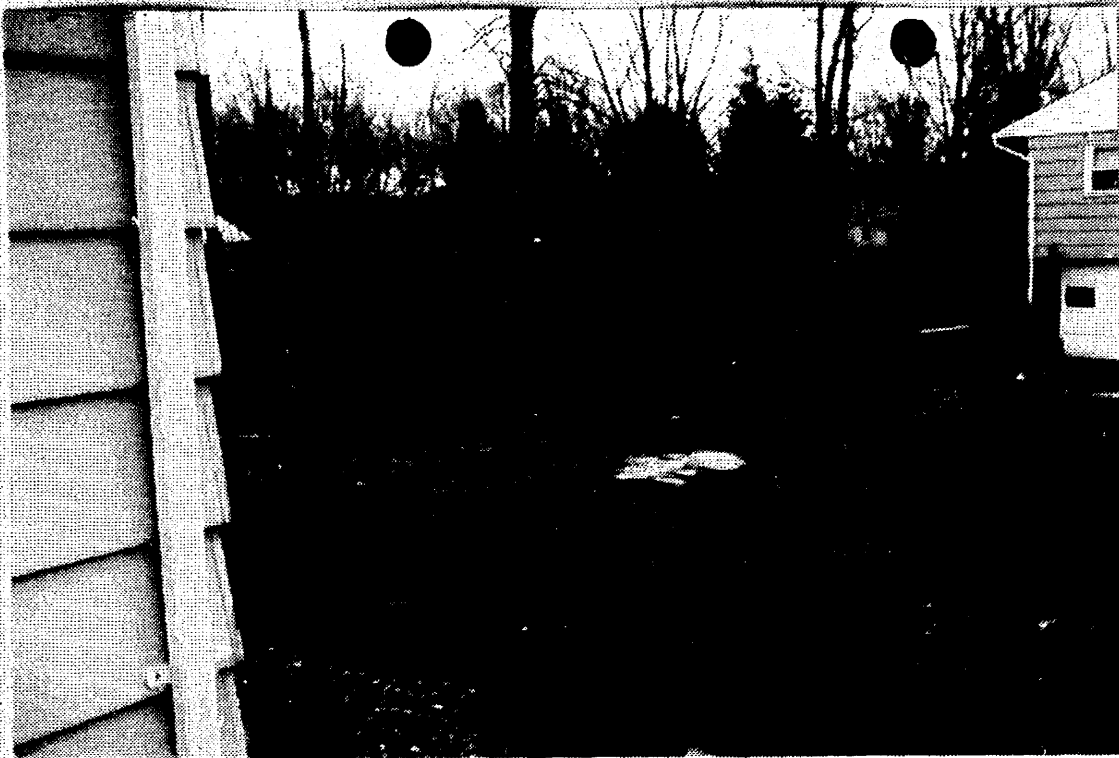
ALTERATION OR ADDITION TO A SURVEY MAP BEARING A
 SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209,
 OF THE NEW YORK STATE EDUCATION LAW.
 SURVEY MAP NOT HAVING THE EMBOSSED SEAL OF THE
 SHALL NOT BE VALID.
 ARE NOT TRANSFERABLE TO ADDITIONAL
 SUBSEQUENT OWNERS.
 EASEMENTS OR RIGHTS OF WAY OF RECORD.

FILED ONLY TO:
 JACENT D. RICKLE
 ACY N. RICKLE
 VELITY NATIONAL TITLE
 URANCE COMPANY OF NEW YORK
 Y MORTGAGE COMPANY, INC.

SURVEY
 OF PROPERTY FOR
VINCENT D. & TRACY N. RICKLE
 TOWN OF NEW WINDSOR
 ORANGE COUNTY, NEW YORK
 SCALE: 1" = 30' AUG. 15, 1995 AREA = 14,690 \pm









THE SENTINEL

P.O. BOX 406
VAILS GATE, NY 12584

Invoice

Date	Invoice #
4/11/2006	7541

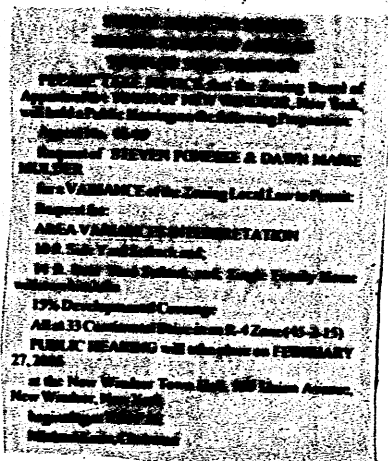
Bill To
TOWN OF NEW WINDSOR 555 UNION AVE NEW WINDSOR, NY 12553

Kyza
Engr.

P.O. No.	Terms	Project
44225	Due on receipt	

Issue Date	Description	PCS/Units	Amount
3/17/2006	LEGAL ADS: APPEAL #06-09 2 AFFIDAVITS	9.88 8.00	9.88 8.00
Total			\$17.88

VISA, MASTERCARD, AMERICAN EXPRESS PAYMENTS ACCEPTED, CALL (845)
562-1218



State of New York

County of Orange, ss:

Lucas Ladlee being duly

sworn disposes and says that he is The
Supervisor of Legal Dept. of the E.W. Smith
Publishing Company, Inc. Publisher of The
Sentinel, a weekly newspaper published and
of general circulation in the Town of New
Windsor, Town of Newburgh and City of
Newburgh and that the notice of which the
annexed is a true copy was published 1x

in said newspaper, commencing on
the 17 day of Mar. A.D., 2006
and ending on the 17 day of Mar.
A.D. 2006

Lucas W. Ladlee

Subscribed and shown to before me
this 13th day of April 2006 _____

Dorothy Green

Notary Public of the State of New York
County of Orange.

DOROTHY GREEN
Notary Public, State of New York
Qualified in Orange County
4894065
Commission Expires July 15, 2007

My commission expires _____

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: MAY 31, 2006
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 282.38 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #06-09

NAME & ADDRESS:

**Steven Ponesse & Dawn Mulder
33 Continental Drive
New Windsor, NY 12553**

THANK YOU,

MYRA

L.R.05-31-06



TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS



FILE #06-09 TYPE: AREA TELEPHONE: 565-6977

APPLICANT:

Steven Ponesse & Dawn Mulder
33 Continental Drive
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK # _____
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # <u>1867</u>

ESCROW: COMMERCIAL \$500.00 CHECK # 1868



<u>DISBURSEMENTS:</u>	<u>MINUTES</u>	<u>ATTORNEY</u>
	<u>\$7.00 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>10</u>	PAGES	<u>\$ 70.00</u>	<u>\$ 35.00</u>
2 ND PRELIMINARY:	<u> </u>	PAGES	<u>\$ </u>	<u>\$ </u>
PUBLIC HEARING:	<u>9</u>	PAGES	<u>\$ 63.00</u>	<u>\$ 35.00</u>
PUBLIC HEARING:	<u> </u>	PAGES	<u>\$ </u>	<u>\$ </u>

LEGAL AD: \$ 14.62

TOTAL: \$147.62 \$ 70.00



ESCROW POSTED: \$ 500.00
LESS: DISBURSEMENTS: \$ 217.62

AMOUNT DUE: \$

REFUND DUE: \$ 282.38

Cc:

L.R. 05-31-06

February 27, 2006

7

STEVEN_PONESSE_ & _DAWN_MARIE_MULDER_(06-09)

MR. KANE: Request for area variances, 12 ft. side yard setback, 14 ft. rear yard setback and 15% developmental coverage, interpretation for single family home with two kitchens all at 33 Continental Drive.

Mr. Steven Ponesse and Dawn Marie Mulder appeared before the board for this proposal.

MR. KANE: Hi, explain to us what you want to do, sir.

MR. PONESSE: I want to put on a 30 x 24 place for my parents to move in cause my mother's handicapped, I want to make everything handicapped accessible to get in and out and live with us. I want to put a deck off the back, a screened-in porch which will be the length of it 12 x 30 also on the back of that.

MR. KANE: It's the, you have a 12 foot side yard setback, is that for the deck?

MR. PONESSE: I don't, altogether it's going to be with the deck it's going to be 30 x 35, I believe the whole thing.

MR. TORPEY: What is it without the deck?

MR. PONESSE: Take the 12 feet off.

MR. BABCOCK: The rear if you see the addition from Continental Drive the addition is on the right-hand side, it's, he's making the house 30 feet longer and the requirements are 20 foot, he's only going to provide 8 so he needs a variance of 12.

MR. PONESSE: Right for the side because I'm going off the side of the house.

MR. KANE: So we're going to have just 8 left on the

side.

MR. BABCOCK: That's correct.

MR. KANE: How far is the home next to you towards that side, how far are they off their property line?

MR. PONESSE: If I put the addition or right now?

MR. KANE: With the addition.

MR. PONESSE: With the addition probably going to be another probably 50 feet, maybe even longer to their garage.

MR. KANE: The addition is going to be 30 x 35?

MR. PONESSE: Yes.

MR. KANE: Two story, one story?

MR. PONESSE: No, one story.

MR. LUNDSTROM: Mr. Chairman, going to be any kitchen facilities in that addition?

MR. PONESSE: Yes.

MR. LUNDSTROM: So that will be considered an accessory apartment then?

MR. PONESSE: Well, that's what I was talking to Myra about, you know, about that situation.

MR. KANE: What we've done here as a board to, we take a look at all second kitchens, we make sure that they say in the formal hearing that it will forever be used only as a single family house, not as an apartment. One meter coming into the home for gas and electric?

MR. PONESSE: Yes.

MR. KANE: And there's no locked doors where you don't have access to the addition?

MR. PONESSE: No.

MR. KANE: So it's really part of the home and like a second kitchen and that's what we like to try to get them on record stating exactly what's going on because a lot of people have a summer kitchen, I grew up with it, I'm a little bit older, but they have that.

MR. PONESSE: I was going to use mine but my mother's kind of handicapped so she can't get around too well so I want to make it as easy as possible for her.

MR. KRIEGER: I think when we do an interpretation we should have him fill out a short form environmental assessment form.

MR. LUNDSTROM: Is your mother able to get around with a walker?

MR. PONESSE: She's with a walker right now, hopefully, she stays with the walker so--

MS. MULDER: She fell and broke her hip three years ago so she has a terrible time getting around.

MR. LUNDSTROM: How old of an individual is she?

MR. PONESSE: She's 68, my father's 70.

MR. LUNDSTROM: So both parents?

MR. PONESSE: Yes, both are going to be moving in.

MS. MULDER: They lived in New Windsor all their life, they don't want to leave.

MR. LUNDSTROM: Excuse me, how far away do they live from here?

MR. PONESSE: Clintonwood Drive right by New Windsor School, 37 years they were there.

MR. KANE: With the addition on the home, is that going to keep the home in similar in size and nature as other homes that are in your neighborhood?

MR. PONESSE: Pretty much, yeah, it's not too--

MR. KRIEGER: Similar, doesn't have to be identical.

MR. PONESSE: It's going to be a little bit bigger but not much.

MR. KANE: And your, once again we'll do it in the public hearing, but your intent is to use it as a single family home?

MR. PONESSE: Correct.

MR. KANE: And just as a second kitchen?

MR. PONESSE: Yes.

MS. LOCEY: Is there another design that might be able to, you might be able to use?

MR. PONESSE: Do you have it to kind of show it?

MR. KANE: The eight foot is a little, I'd like a little bit more room in there if it's possible even getting it to ten to me is because that needs to be--

MR. PONESSE: Well, if we have to shorten it up, I'd have to do it, I want to keep it all with my house, my house is 24 so I want to try to keep it 24.

MR. KANE: Possibility of giving up two feet on that?

MR. PONESSE: Sure, if I have to, yeah, that's not a problem.

MR. KANE: Because that used to be in New Windsor, if I remember, it used to be 10 foot, 12 foot sounds good to you guys, 10 foot?

MR. BABCOCK: Mr. Chairman, the other thing you've got that the width of this new addition is 35 feet, I don't think your existing home is 35 feet, is it?

MR. PONESSE: No, with the deck cause I have the deck on the back so the screened-in porch is going to be off that addition kind of, I'm just adding it altogether.

MR. BABCOCK: What you could do, Mr. Chairman, in this situation to make this work for these people is that and I don't know if they'd like to do this but if they set this back, the farther they go back the farther away from the line they get, put a jog in the house, it looks nice also, instead of having a continuous run of a home that's, you know, going to be 60 some, 70 feet long if the house goes back, jogs back probably five to six foot.

MR. KANE: We'd pick up more because of the angle.

MR. BABCOCK: It would go away farther.

MR. KANE: But we'd have to give them more on the rear variance.

MR. BABCOCK: Yeah, but he's got 36 feet.

MR. KANE: So it's not as extreme. What do you think?

MR. PONESSE: I think I'd rather just keep it even to

be honest with you.

MR. BABCOCK: Just a thought.

MR. PONESSE: Cause I'm going to turn it the other way, I'm not going to run it, all the same roof line, I'm going to turn it to break it up a little bit too the house.

MS. GANN: What do you mean?

MR. PONESSE: Well, the roof line, you got the picture in there?

MR. LUNDSTROM: Gable going this way.

MR. PONESSE: Yes, I'm going to turn the gable to kind of break it up.

MR. LUNDSTROM: Looking at this plan, are you now agreeing that instead of 30 feet long you're going to cut it back to 28 feet?

MR. PONESSE: Sure, we'll go to 28.

MR. KANE: I'm more comfortable with ten feet and I don't have a problem with the developmental coverage, that just brings you to 35 total, okay, I think we have enough. Any other questions?

MR. LUNDSTROM: Just one word of advice, having a 90 year old mother who lives with me, if you're going to build this new, make sure the doors are wide enough for a wheelchair.

MR. PONESSE: Yeah, everything is handicapped accessible, bathroom doors are wide enough.

MR. LUNDSTROM: I've seen some people go out and do the expense and when it gets to the point of a wheelchair

you're out of luck.

MR. PONESSE: No, we have three foot doors on everything.

MR. KANE: Any other questions?

MR. PONESSE: I also I don't know, driveway I'm putting in, I don't know if I need to get--

MR. BABCOCK: Well, he'll need a driveway permit but we'll take care of that once he gets the process going.

MR. LUNDSTROM: Does not need a variance then?

MR. BABCOCK: No.

MR. KANE: Part of the developmental coverage?

MR. BABCOCK: Yeah, it's included, yeah.

MR. TORPEY: You have to cut the curb.

MR. PONESSE: Yeah, I need to cut the curb.

MR. KANE: That has nothing to do with us though.

MR. BABCOCK: Just get a driveway permit once you apply for it.

MR. PONESSE: I did already but I want to make sure I didn't need a variance that way I'm sure.

MR. KANE: The only thing you'd need would be developmental coverage and those numbers are okay.

MR. PONESSE: I'm putting an above-ground pool, I don't need to be ten foot off?

MR. KANE: You have to be more than ten feet.

MR. BABCOCK: Ten feet there is fine.

MR. PONESSE: I'm all right with that?

MR. KANE: I live in Butterhill, they nailed us with that, we're 12.

MR. PONESSE: Now what I want to do, I don't know if I can do that now, now that I'm putting up the pool, can I get a permit to maybe add on the deck onto my other deck around the pool or--

MR. KANE: Now all your offsets change, it becomes part of the house.

MR. PONESSE: What do you mean?

MR. KANE: Once the pool attaches to the deck that attaches to the house your rear offset changes, if it's a separate building, pool, separate entity on there you have your ten foot from your property line, once that's all connected to the house, it becomes part of your house, your rear is 50 feet.

MR. PONESSE: If that's up against--

MR. KANE: If you want it close you would have to have a set of steps going down and another coming up or go for a variance for the back of the line to wherever the pool ends.

MR. TORPEY: Becomes part of the house.

MR. PONESSE: My deck that's there already and I'm putting the pool up against the deck, is that okay?

MR. KANE: As long as you have enough with what you're showing us right here.

MR. PONESSE: I have more than ten feet from the pool to the fence line.

MR. KANE: It will stay ten feet to the sides but instead of ten feet to the rear as soon as that's part of the house it becomes 50 feet.

MR. TORPEY: You're connecting the pool to the house with the deck so it's over.

MR. PONESSE: Well, if I just leave it off the deck a little bit as long as it's not touching the deck.

MR. KANE: Set of steps going down, separate steps going up, don't get fancy and make a bridge you can remove, we don't go for that.

MR. BABCOCK: You need to talk to Lou, you dealt with Lou in the house, talk to Lou, Lou will walk you through that if you need to.

MR. KANE: Once you see it on paper, it will make sense.

MR. BABCOCK: If you need a variance we'll modify this paperwork.

MR. PONESSE: That's what I figure while I'm here now.

MR. KANE: As long as it's not connected, you shouldn't need any variance.

MR. PONESSE: Okay, all right.

MR. KANE: Any other questions? I'll accept a motion.

MS. LOCEY: I'll offer a motion to schedule a public hearing for the application of Steven Ponesse and Dawn Marie Mulder for their request for area variances, 12 foot side yard setback, 14 foot rear yard setback--

February 27, 2006

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MR. KANE: Make that 10 foot side yard setback.

MS. LOCEY: Correct, 14 foot rear yard setback, 10 foot side yard setback, 15 percent developmental coverage and also to discuss and interpret their home as single family, is or is not a single family home with two kitchens at 33 Continental Drive in an R-4 zone.

MS. GANN: Second the motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MR. TORPEY	AYE
MS. LOCEY	AYE
MR. KANE	AYE

APR 05 2006

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR <u>Steve Ponsesse + Dawn Mulder</u>	2. PROJECT NAME
3. PROJECT LOCATION: Municipality <u>New Windsor</u> County <u>Orange</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>33 Continental Drive</u>	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <u>28x35 addition to single family dwelling</u>	
7. AMOUNT OF LAND AFFECTED: <u>parcel size 189.00 x 130.00</u> Initially _____ acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly <u>requested area variance</u> <u>10ft side yard setback</u> <u>14ft rear yard setback</u>	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <u>Dawn Mulder</u>	Date: <u>3.30.06</u>
Signature: <u>[Signature]</u>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART IV - ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF.	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.8? If No, a negative declaration may be superseded by another involved agency.	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)	
C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:	
C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:	
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:	
C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:	
C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.	
C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly.	
C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly.	
D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No If Yes, explain briefly

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

Date

March 27, 2006

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PUBLIC HEARINGS:

STEVEN_PONESSE_ & _DAWN_MARIE_MULDER_(06-09)

MR. KANE: Request for area variances, 10 ft. side yard setback, 14 ft. rear yard setback, 15% developmental coverage and interpretation for single family home with two kitchens all at 33 Continental Drive.

Mr. Steven Ponesse and Ms. Dawn Marie Mulder appeared before the board for this proposal.

MR. KANE: Tell us what you want to do.

MR. PONESSE: We're putting an addition, we were gonna go 30 feet but last time we were here you asked if we can go 28 feet so we're going to go 28 feet so we're ten feet off the line, put on an addition it's going to be 28 x 35.

MR. KANE: Cutting down any substantial vegetation or trees?

MR. PONESSE: No, there were two trees that were cut down.

MR. KANE: Creating any water hazards or runoffs?

MR. PONESSE: No.

MR. KANE: Will the addition of the home keep the home in similar size and nature to other homes in your neighborhood?

MR. PONESSE: Yes.

MR. KANE: The purpose for adding the addition?

MR. PONESSE: I'm moving my parents in.

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MR. KANE: And you have a, let's handle this first, let's go right over to the interpretation, it's a single-family home, you have two kitchens, your intent is to keep it as a single-family home?

MR. PONESSE: Yes.

MR. KANE: You'd sell it as a single family home?

MR. PONESSE: Yes.

MR. KANE: You have one gas and electric meter coming into the home?

MR. PONESSE: Correct.

MR. KANE: Second kitchen is to service your parents, obviously?

MR. PONESSE: Yes.

MR. TORPEY: What did you decide on the deck?

MR. PONESSE: Screened-in porch, it's going to be a screened-in porch.

MR. TORPEY: That's it?

MR. PONESSE: Yeah, right, to the other one.

MR. TORPEY: You gave up on the pool, right?

MR. PONESSE: No, I'm getting paperwork for that too and I'm going to do the pool, they told me I needed a variance if it was going to be up against my deck but then I came back and they told me it didn't so I don't know.

MR. KANE: How far back does your property go?

MR. PONESSE: From the deck it's 40 feet, when I got the variance last time for the deck it had to be 40 feet so I'm 40 feet from the deck to the fence.

MR. KANE: If that pool attaches to your deck and goes beyond the deck he has to get a variance, correct, he needs 40?

MR. PONESSE: I was here twice.

MR. KANE: I want to clarify that right now.

MR. BABCOCK: Well, I'm not sure I understand the drawing, the drawing of the pool is out in the middle of the yard?

MR. PONESSE: That's because the one inspector told me I had to do that then I came last week to bring the paperwork to get the variance and the girl at the front desk says you don't need a variance and I said well, inspector told me I did, she said well, let me go get him, he came out and said you don't need that, you can put it up against the deck.

MR. KANE: I've been building pools for 15 years, you need a variance.

MR. TORPEY: Once the pool connects to the deck.

MR. KANE: Yes, it becomes part of the house and you'll need a variance for whatever it is for that going back to the 40 feet you need 40 back.

MR. TORPEY: Last meeting Mike was explaining to you.

MR. PONESSE: I understand that, that's why I came here with the drawings and stuff and I told them what I wanted to do.

MR. KANE: With the drawing that you showed them is

there any deck attached to the pool?

MR. PONESSE: No, I was going to go out to the side and right up to the deck and he told me I can go up to the deck so I don't know, you know, I don't know what to do.

MR. KANE: Trust me, you need a variance.

MR. PONESSE: One day you can, one day you can't.

MR. KANE: Somebody misunderstood.

MR. PONESSE: Can I get the variance along with this or separate?

MR. KANE: No, it has to be in a public notice, unless you find a different way to design it, you don't need to be here.

MR. PONESSE: It would have to be how far off the deck?

MR. KANE: As long as you walk down, hit the ground, other steps coming up.

MR. PONESSE: That's what I'm not understanding.

MR. KANE: They can't be connected.

MR. PONESSE: If I put, if this is my deck here and I put the pool here, how far do I have to be?

MR. KANE: Couple more feet, you can step off, the rule is four foot clearance all the way around your pool.

MR. PONESSE: So four feet off that?

MR. KANE: If you go four feet away from the deck and have a set of steps coming up on that deck for the pool you don't need a variance.

MR. PONESSE: I was told I had to be ten feet.

MS. MASON: There must be a setback from the deck.

MR. KANE: Well, it changes if the pool is not attached to the deck which is part of the house it's an auxiliary structure and depending on where you are in New Windsor, it's either 15 feet and 10.

MR. BABCOCK: If this here it's 10 feet if he puts this pool against where the screened porch deck is, is that what you're talking about then, okay, it's the deck part, it's not the pool, he'd be okay, he'd be fine there.

MR. KANE: Right there where it is?

MR. BABCOCK: Yes.

MS. GANN: Because that doesn't go out as far.

MR. BABCOCK: Pool has to be ten feet from the property line, you're putting a deck around the pool?

MR. PONESSE: No.

MR. KANE: Then you've got a problem.

MR. PONESSE: No, I want to use the original deck that's there.

MR. BABCOCK: No problem.

MR. PONESSE: So I can put my pool up against the deck?

MR. BABCOCK: You're going to have to make something to get in and out of the pool it's got to touch so it's square on.

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MR. PONESSE: If I put it up against here, I put my ladder on the deck, that's legal?

MR. BABCOCK: Yes, as far as setbacks, as far as the setbacks it is.

MR. PONESSE: I'm not sure.

MR. BABCOCK: As far as the way--

MR. KANE: Can I see where he has the pool?

MR. BABCOCK: On this he has the pool out in the middle of the yard, if he puts the pool flush against the deck, this is the deck right here, I'm coming off the existing deck that's there already, it's going to be, if he puts the pool here, it's okay.

MR. KANE: And if he can get into the pool from this deck.

MR. BABCOCK: Then he's got other items that he's got to deal with.

MR. KANE: It's not as cut and dry, it's different.

MR. BABCOCK: I don't know how far the deck is off the ground.

MR. PONESSE: It's pretty high off the ground.

MR. BABCOCK: This has to have a closing gate on it.

MR. PONESSE: Right, I have the rails that are this high so I'll have the gate, I'll just cut one of the sections out and have a gate there.

MR. KANE: My thought we always tell the people if that's there and that's attached and you can enter the pool from the deck that's part of the house, it becomes

part of the house and the back would be 40 feet.

MR. BABCOCK: No, the pool's okay like that.

MR. KANE: Okay.

MR. BABCOCK: If he puts the deck around the pool then he's got a problem.

MR. PONESSE: That's why I wanted to put it up against there so I didn't have to do that.

MR. KANE: That sounds good, doesn't sound like you need any.

MR. PONESSE: I just have to bring in whatever's on the paperwork and get a permit for that?

MR. KANE: Yes.

MR. KRIEGER: If he says he'll give you a permit that's all you need to know.

MR. KANE: Okay, we had a 12 foot side yard setback that was on the addition.

MR. PONESSE: Side's going to be 10 feet off.

MR. LUNDSTROM: Instead of 12?

MS. MULDER: Original request was 12 feet.

MR. KANE: So we're going to make it 10?

MR. PONESSE: Unless I can go cause you guys asked me not to.

MR. KANE: Change that to 10 everybody, that 12 to 10 and then we have a 14 foot rear yard setback.

MR. PONESSE: That can't be possible cause it's got to be over 40 feet from where my, cause my deck now is 40 feet from there to the fence so it's going to be 40 feet from my screened porch to there.

MS. MASON: You went over all these numbers with the inspector before he submitted the paperwork, right?

MR. PONESSE: He didn't go over any numbers with me.

MS. MASON: Remember you came you in and I said go back in to the inspector and make sure this is everything that you need.

MR. PONESSE: He didn't say anything about numbers.

MR. BABCOCK: Well, you've got--

MR. KANE: Actually on the denial there's no rear yard setback.

MR. BABCOCK: Yeah, there is.

MR. PONESSE: I think it's over 40 feet.

MR. BABCOCK: Well, needs to be 50.

MR. KANE: Available is 36 so you need 14, you need 14 and then 15 percent developmental coverage, anybody have any questions? I'll accept a motion.

MR. BABCOCK: You have to open it up to the public.

MR. KANE: I'm sorry, anybody in the public for this particular hearing? There's not so we'll close the public portion of the meeting and ask Myra how many mailings we had.

MS. MASON: On March 15, I mailed out 56 addressed envelopes and no response.

MR. KANE: Okay, now we'll take it back to the board.

MS. LOCEY: I will offer a motion to grant the requested variances on the application of Steve Ponesse and Dawn Marie Mulder for a 10 foot side yard setback, a 14 foot rear yard setback and 15 percent developmental coverage all at 33 Continental Drive in an R-4 zone.

MR. BABCOCK: Have to add the two kitchens.

MR. KANE: We find that the interpretation--

MS. GANN: The interpretation of their application to be a single family home with two kitchens.

MS. LOCEY: I'll second the motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MR. KANE: Motion to adjourn.

MR. LUNDSTROM: So moved.

MS. GANN: Second the motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE



RESULTS OF Z.B.A. MEETING OF:

March 27, 2006

PROJECT: Steve Porresse

ZBA #

06-09

P.B.#

USE VARIANCE:

NEED: EAF

PROXY

LEAD AGENCY: M) S) VOTE: A N

GANN

LUNDSTROM

LOCEY

TORPEY

KANE

CARRIED: Y N

PUBLIC HEARING: M) S) VOTE: A N

GANN

LUNDSTROM

LOCEY

TORPEY

KANE

CARRIED: Y N

NEGATIVE DEC: M) S) VOTE: A N

GANN

LUNDSTROM

LOCEY

TORPEY

KANE

CARRIED: Y N

APPROVED: M) S) VOTE: A N

GANN

LUNDSTROM

LOCEY

TORPEY

KANE

CARRIED: Y N

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING:

M) S)

VOTE: A N

GANN

LUNDSTROM

LOCEY

TORPEY

KANE

CARRIED: Y N

PUBLIC HEARING:

STATEMENT OF MAILING READ INTO MINUTES ✓

VARIANCE APPROVED:

M) LO S) GN VOTE: A 5 N 0.

GANN

LUNDSTROM

LOCEY

TORPEY

KANE

CARRIED: Y ✓ N

Need EAF

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

STEVEN PONESSE & DAWN MARIE MULDER

#06-09


STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 15TH day of MARCH, 2006, I compared the (56) addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Myra Mason
Myra L. Mason, Secretary

23rd day of March, 2006


Notary Public

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/2006



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

ZONING BOARD OF APPEALS

March 23, 2006

Steven Ponesse & Dawn Mulder
33 Continental Drive
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #06-09

Dear Steven:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Sentinel Newspaper for publication. **PLEASE NOTE: The charge for publication in the Sentinel will be deducted from your escrow that was posted with your application papers.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

33 Continental Drive
New Windsor, NY

is scheduled for the March 27, 2006 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

CORRECTION

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. 06-09

Request of STEVEN PONESSE & DAWN MARIE MULDER

for a VARIANCE of the Zoning Local Law to Permit:

Request for:

AREA VARIANCES

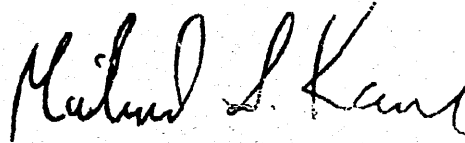
**10 ft. Side Yard Setback and;
14 ft. Rear Yard Setback and;
15% Developmental Coverage**

INTERPRETATION

Single Family Home with two kitchens

All at 33 Continental Drive in an R-4 Zone (45-2-15)

**PUBLIC HEARING will take place on MARCH 27, 2006
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.**



Michael Kane, Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

Assessors Office

March 9, 2006

Steven Ponesse
Dawn Mulder
33 Continental Drive
New Windsor, NY 12553

Re: 45-2-15 ZBA#: 06-09 (56)

Dear Mr. Mulder & Miss Mulder:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$75.00, minus your deposit of \$25.00.

Please remit the balance of \$50.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wile, IAO
Sole Assessor

JTW/tmp
Attachments



45-1-25

Vincent & Joan Granieri
26 Continental Drive
New Windsor, NY 12553

45-1-28

Joseph & Lillian Harris
32 Continental Drive
New Windsor, NY 12553

45-1-31

William & Christine Gegenheimer
38 Continental Drive
New Windsor, NY 12553

45-1-34

Thomas & Catherine Durkin
44 Continental Drive
New Windsor, NY 12553

45-1-37

Karan Garewal, et al
6 Brentwood Court
Mount Kisco, NY 10549

45-1-40.1

Rottmeier Family Trust
4699 S. Atlantic Avenue
Ponce Inlet, FL 32127

45-1-41.1

Charles Catanzaro
26 Susan Drive
Newburgh, NY 12550

45-2-2

Joan & Walter Marvel, III
25 Continental Drive
New Windsor, NY 12553

45-2-5

James & Jennifer Mitru
11 Musket Place
New Windsor, NY 12553

45-2-8

Ann Plass
5 Musket Place
New Windsor, NY 12553

45-1-26

Samuel, Ruby & Leon Jones
28 Continental Drive
New Windsor, NY 12553

45-1-29

Rudolph & Elsie Rivera
34 Continental Drive
New Windsor, NY 12553

45-1-32

Javier & Norma Garcia
40 Continental Drive
New Windsor, NY 12553

45-1-35

Renee Kroun
46 Continental Drive
New Windsor, NY 12553

45-1-38

Sherri Greenberg
85 Terhune Avenue
Passaic, NJ 07055

45-1-40.21

Planet Wings of New Windsor, Inc.
24 Sunnyside Avenue
Middletown, NY 10940

45-1-42

Susan Schatz
73 Blooming Grove Tpke
New Windsor, NY 12553

45-2-3

Kathy & Charles Hunter, Jr.
15 Musket Place
New Windsor, NY 12553

45-2-6

Christopher & Jeannine Leggett
9 Musket Place
New Windsor, NY 12553

45-2-9

Robert & Theresa Penney
3 Musket Place
New Windsor, NY 12553

45-1-27

Frances August
Philip Santantasio
30 Continental Drive
New Windsor, NY 12553

45-1-30

Laurel & George Heine, Jr.
36 Continental Drive
New Windsor, NY 12553

45-1-33

Gerald & Deborah Wynters
Herbert Milch
42 Continental Drive
New Windsor, NY 12553

45-1-36

Chien-Min & Yao-Ming Lu
48 Continental Drive
New Windsor, NY 12553

45-1-39

North Plank Development Co, Inc.
5020 Route 9W
Newburgh, NY 12550

45-1-40.23

William Horowitz Corp.
6 Hamilton Drive East
North Caldwell, NJ 07006

45-2-1

Alexander & Patricia Milne
27 Continental Drive
New Windsor, NY 12553

45-2-4

Peter & Dolores Valentino
13 Musket Place
New Windsor, NY 12553

45-2-7

Rose Marvel & Estelle Ryan
7 Musket Place
New Windsor, NY 12553

45-2-10

Giuseppe & Vincenza Cullaro
1 Regimental Place
New Windsor, NY 12553

45-2-11

Basil Komondorea
41 Continental Drive
New Windsor, NY 12553

45-2-14

John & Jean Roberts
35 Continental Drive
New Windsor, NY 12553

45-3-1

Donald & Karen Fassbender
8 Musket Place
New Windsor, NY 12553

45-3-6

Kathy & Apostolos Amanatides
12 Cannon Drive
New Windsor, NY 12553

45-4-1

Kenneth & Catherine Rose
21 Continental Drive
New Windsor, NY 12553

45-4-19

William Brentnall, Jr.
33 Parade Place
New Windsor, NY 12553

49-1-1.1

CKN Mylonas, Inc.
345 Windsor Highway
New Windsor, NY 12553

49-3-1

Vito & Katherine Guidice
17 Cannon Drive
New Windsor, NY 12553

49-3-20

Leonard & Alice Bauer
P.O. Box 4320
New Windsor, NY 12553

45-2-12

Thomas & Beverly Karas
39 Continental Drive
New Windsor, NY 12553

45-2-16

Steven & Sheila DeCicco
31 Continental Drive
New Windsor, NY 12553

45-3-2

Michael & Denise Kirk
26 Parade Place
New Windsor, NY 12553

45-3-7

Mildred Gatling
14 Cannon Drive
New Windsor, NY 12553

45-4-2

Robert & Annette Gaydos
19 Continental Drive
New Windsor, NY 12553

45-4-20

Kevin & Jennifer Doyle
35 Parade Place
New Windsor, NY 12553

49-1-1.2

Dimitrios & Pope Mylonas
c/o New Windsor Coach Diner
351 Windsor Highway
New Windsor, NY 12553

49-3-2

Raymond & Gloria Lopez
11 Cannon Drive
New Windsor, NY 12553

49-3-21

Betty Lou & Cindy Lou Drake
4 Musket Place
New Windsor, NY 12553

45-2-13

Diane Kennelly
37 Continental Drive
New Windsor, NY 12553

45-2-17

Edward & Lenore Smith
29 Continental Drive
New Windsor, NY 12553

45-3-3

Frank Ceriello
24 Parade Place
New Windsor, NY 12553

45-3-8

Ronald Buckner
Diane Wilkinson-Buckner
16 Cannon Drive
New Windsor, NY 12553

45-4-3

Alfredo & Elizabeth Lavigat
17 Continental Drive
New Windsor, NY 12553

45-4-21

Marguerite Brodeski
10 Musket Place
New Windsor, NY 12553

49-1-2

Patricia Willard
52 Continental Drive
New Windsor, NY 12553

49-3-3

Glenn Giametta
20 Parade Place
New Windsor, NY 12553



RESULTS OF Z.B.A. MEETING OF: February 27, 2006

PROJECT: Steve Porese ZBA # 06-09

P.B.# _____

USE VARIANCE: NEED: EAF _____ PROXY _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) LO S) GA VOTE: A 5 N 0

Lundstrom A GANN
GANN A Lundstrom
LOCEY A Torpey
TORPEY A Locey
KANE A Kane

CARRIED: Y ✓ N _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____

VARIANCE APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

One meter

Need EAF for Interpretation

Change to 10' side yd

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 02-27-06

FOR: ESCROW 06-09

FROM:

CHECK FROM:

Steven Ponesse & Dawn Mulder
33 Continental Drive
New Windsor, NY 12553


SAME

CHECK NUMBER: 1868

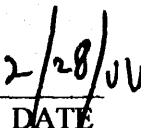
TELEPHONE: 565-6977

AMOUNT: 500.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME



DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

**RECEIPT
#160-2006**

02/28/2006

Ponesse, Dawn
33 Continental Drive
New Windsor, NY 12553

Received \$ 150.00 for Zoning Board Fees, on 02/28/2006. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

ZBA #06-09
application fee

TOWN OF NEW WINDSOR **REQUEST FOR NOTIFICATION LIST**

DATE: 02-27-06 PROJECT NUMBER: ZBA# 06-09 P.B. # _____

APPLICANT NAME: STEVEN PONESSE

PERSON TO NOTIFY TO PICK UP LIST:

Steven Ponesse & Dawn Mulder
33 Continental Drive
New Windsor, NY 12553

TELEPHONE: 565-6977

TAX MAP NUMBER: SEC. 45 BLOCK 2 LOT 15
SEC. _____ BLOCK _____ LOT _____
SEC. _____ B LOCK _____ LOT _____

PROPERTY LOCATION: 33 Continental Drive
New Windsor, NY 12553

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: _____

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) _____

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) _____

AGRICULTURAL DISTRICT:
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
OF SITE PLAN OR SUBDIVISION PROJECT) _____

❖ ❖

NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 1869

TOTAL CHARGES: _____



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

2.3.06
Date

Application Type: Use Variance ☐ Area Variance ☐
Sign Variance ☐ Interpretation ☐

I. Owner Information:

Steve Pomesse & Dawn Mulder Phone Number: (845) 565-6977
(Name) Fax Number: ()
33 Continental Drive, New Windsor, NY
(Address)

II. Applicant:

same Phone Number: ()
(Name) Fax Number: ()
(Address)

III. Forwarding Address, if any, for return of escrow:

same Phone Number: ()
(Name) Fax Number: ()
(Address)

IV. Contractor/Engineer/Architect/Surveyor/:

Phone Number ()
Fax Number: ()
(Name)
(Address)

V. Property Information:

Zone: R-4 Property Address in Question: 33 Continental Drive
Lot Size: 129 x 130 Tax Map Number: Section 45 Block 2 Lot 15
a. What other zones lie within 500 feet? _____
b. Is pending sale or lease subject to ZBA approval of this Application? no
c. When was property purchased by present owner? 2001
d. Has property been subdivided previously? no If so, When: _____
e. Has an Order to Remedy Violation been issued against the property by the
Building/Zoning/Fire Inspector? no
f. Is there any outside storage at the property now or is any proposed? _____

******PLEASE NOTE:******

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF
SUBMITTAL.**

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.	00'	8'	12'
Reqd. Rear Yd.			
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

We are applying for a variance to construct a one story extension / addition to the existing structure. The variance sought includes a request to reduce the side yard which will not adversely effect or impact the physical or environmental conditions in the neighborhood.

Additionally we seek a variance for an above ground pool & driveway (if required)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

**OWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

X. SIGN VARIANCE:

- (a) Variance requested from New Windsor Zoning Local Law,
Section _____, Supplementary Sign Regulations

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1			
Sign #2			
Sign #3			
Sign #4			

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and freestanding signs _____?

XI. INTERPRETATION:

- (a) Interpretation requested of New Windsor Zoning Local Law,
Section _____

- (b) Describe in detail the proposal before the Board:

single family dwelling
no kitchen

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
-
-

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☐ One in the amount of \$ 300.00 or 500.00 (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 (application fee)
- ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☐ Photographs of area that variances is being requested for showing relationship to property lines (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER - PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

3rd day of February 2006.

Dawn Mulder
Owner's Signature (Notarized)

Dawn Mulder Steven Ponesse
Owner's Name (Please Print)

Barbara E. Zane
Signature and Stamp of Notary

Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL

BARBARA E. ZANE
Notary Public, State of New York
No. 4915812

Qualified in Orange County 2009
My Commission Expires Dec. 21, 10

COMPLETE THIS PAGE ☐



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)

06-09



ZONING BOARD PROCEDURES

PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION(LOOK FOR HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE: \$ 50.00
*ESCROW: \$300.00
**DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE: \$150.00
*ESCROW: \$500.00
**DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE: \$150.00
*ESCROW: \$500.00
**DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE: \$150.00
*ESCROW: \$500.00
**DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

UPON RECEIPT OF ALL APPLICABLE PAPERWORK AND CHECKS, YOU WILL BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING". YOU DO NOT NEED YOUR PUBLIC HEARING LIST OR ENVELOPES FOR THIS FIRST MEETING.

*

ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

LIST OF PROPERTY OWNERS
WITHIN 500 FT. RADIUS OF
PROPERTY IN QUESTION:

APPROXIMATE COST FOR
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES
IS \$1.00 EA. ADDITIONAL
NAME

PUBLIC HEARING LIST OF PROPERTY OWNERS

1. UPON RECEIPT OF ALL APPLICABLE CHECKS AND PAPERWORK, YOUR APPLICATION WILL BE PROCESSED AND YOUR \$25.00 DEPOSIT WILL BE SENT TO THE ASSESSOR'S OFFICE TO ORDER YOUR LIST OF PROPERTY OWNERS WITHIN 500 FEET. **(NOTE: YOU DO NOT NEED THIS LIST OR THE ENVELOPES FOR YOUR FIRST (PRELIMINARY) MEETING. Please do not call the Assessor's Office looking for your list – they will contact you when it is ready or if necessary, call Myra at 845-563-4615.**
2. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
3. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.39 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.